

108TH CONGRESS  
1ST SESSION

# S. 1701

A bill to limit authority to delay notice of search warrants.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 2, 2003

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

A bill to limit authority to delay notice of search warrants.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Reasonable Notice and  
5       Search Act”.

6       **SEC. 2. LIMITATION ON AUTHORITY TO DELAY NOTICE OF**  
7       **SEARCH WARRANTS.**

8       Section 3103a of title 18, United States Code, is  
9       amended—

10       (1) in subsection (b)—

11               (A) in paragraph (1), by striking “may  
12       have an adverse result (as defined in section

2705)” and inserting “will endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant”; and

(B) in paragraph (3), by striking “a reasonable period” and all that follows and inserting “7 calendar days, which period, upon application of the Attorney General, the Deputy Attorney General, or an Associate Attorney General, may thereafter be extended by the court for additional periods of up to 7 calendar days each if the court finds, for each application, reasonable cause to believe that notice of the execution of the warrant will endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant.”; and

(2) by adding at the end the following:

“(c) REPORTS.—

“(1) IN GENERAL.—On a semiannual basis, the Attorney General shall transmit to Congress and make public a report concerning all requests for

1 delays of notice, and for extensions of delays of no-  
 2 tice, with respect to warrants under subsection (b).

3 “(2) CONTENTS.—Each report under para-  
 4 graph (1) shall include, with respect to the preceding  
 5 6-month period—

6 “(A) the total number of requests for  
 7 delays of notice with respect to warrants under  
 8 subsection (b);

9 “(B) the total number of such requests  
 10 granted or denied; and

11 “(C) for each request for delayed notice  
 12 that was granted, the total number of applica-  
 13 tions for extensions of the delay of notice and  
 14 the total number of such extensions granted or  
 15 denied.”.

16 **SEC. 3. SUNSET ON DELAYED NOTICE AUTHORITY.**

17 (a) PATRIOT ACT.—Section 224(a) of the USA PA-  
 18 TRIOT Act of 2001 (Public Law 107–56; 115 Stat. 295)  
 19 is amended by striking “213,”.

20 (b) AMENDMENTS.—The amendments made by this  
 21 Act shall sunset as provided in section 224 of the USA  
 22 PATRIOT Act of 2001.

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